



BOARD OF APPEALS
Enid Starr, Co-Chair
Jesse Geller, Co-Chair
Robert De Vries

Town of Brookline

Massachusetts

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Patrick J. Ward, Clerk

TOWN OF BROOKLINE
BOARD OF APPEALS
CASE NO. 090066

Petitioner, Dimitris Georgakopoulos, applied to the Building Commissioner for permission to construct a sundeck for the exclusive use of Unit #7 at the roof level of the building at 465 Washington Street. The application was denied and an appeal was taken to this Board.

On 8 October 2009, the Board met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed 12 November 2009, at 7:00 p.m. in the Selectmen's hearing room, 6th floor, Town Hall as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioner, to his attorney (if any) of record, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published on 22 and 29 October 2009 in the Brookline Tab, a newspaper published in Brookline. A copy of said notice is as follows:

NOTICE OF HEARING

Pursuant to M.G.L. C. 39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:

Petitioner: DIMITRIS GEORGAKOPOULOS

Location of Premises: **465 WASHINGTON ST BRKL**
Date of Hearing: **11/12/09**
Time of Hearing: **7:00p.m.**
Place of Hearing: **Selectmen's Hearing Room, 6th floor**

A public hearing will be held for a variance and/or special permit from:

- 1.) 5.09.2.a; Design Review, special permit required. (...within 100' of Beacon Street)**
- 2.) 5.09.2.d; Design Review, special permit required. (...four or more units)**
- 3.) Board of Appeals Decision, Case #2478, dated June 25, 1981, modification required**

of the Zoning By-Law to construct a construct a sundeck for the exclusive use of Unit #7 at the roof level of the building per plans at **465 WASHINGTON ST BRKL**.

Said Premise located in a **M-2.0** (apartment house) district.

Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.

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At the time and place specified in the notice, this Board held a public hearing. Present at the hearing was Chairman, Jesse Geller and Board Members, Mark Zuroff and Jonathan Book. The petitioner was represented by Luis Diazgranados of ARCO, llc, 51 Mount Vernon Rd, Newton, MA 02467.

Mr. Diazgranados said the Board of Appeals in 1981, case #2478, granted special permits to convert the six-family at 465 Washington Street into a seven-unit building by converting the fourth floor into an additional dwelling unit.

Mr. Diazgranados described 465 Washington Street as a large multi-family dwelling near the intersection of Washington Street and Park Street. The dwelling is three and a half stories tall, with a hip roof and dormers on the front and sides and a decorative skylight in the center. Parking is at the rear of the building, which is accessed by Park Vale, a private drive. Surrounding properties on the north side of Washington Street are also multi-family and of similar size and height. Across the street on the south side of Washington Street are single-family dwellings.

Mr. Diazgranados said that his client, Dimitris Georgakopoulos, wishes to remove a portion of the building's roof at the northeast rear corner and install a roof deck for the exclusive use of the fourth-floor residential unit. The roof deck would be 18 feet 8 1/2 inches deep by 10 feet wide and located directly behind the existing gable dormer on the side façade. A door would be installed on the side of the dormer to provide access to the roof deck. The roof deck would be set back from the cornice line approximately 3 feet. He said that none of the elements of the roof deck would be seen from Washington Street.

Board Member Book asked for clarification of the plans presented by Mr. Diazgranados. Mr. Diazgranados explained in detail the design of the deck. He said the design retains the original soffit and fascia details of the overhang. Mr. Diazgranados said that the railing height would be about 44". He said that the deck is part of the fourth floor unit at the same level that the roof is being removed to provide the deck area. He said that the deck area is previously unfinished attic space.

Chairman Geller asked whether permission had been obtained from the Condominium Trustees for the proposal and Mr. Diazgranados, responded that his client had received permission from the other Condominium owners.

Chairman Geller asked whether anyone in attendance wished to speak either in favor or against the proposal. No one rose to speak.

Lara Curtis, Senior Planner, delivered the findings of the Planning Staff.

Section 5.09.2(a) and (d) – Design Review: *Special permit required.* Exterior alterations to buildings that front on Washington Street, or to multi-family dwellings with four or more units, require review subject to the community and environmental impact and design review standards as listed under *Section 5.09.4*. The applicant has not submitted a Community and Environmental Impact Statement; however, the following standards are the most relevant:

Relation of Buildings to Environment: The surrounding environment is relatively densely developed with other multi-family dwellings, and the area to the rear of the subject building, near where this deck would be located, is used for parking. The deck is somewhat recessed into the structure, and is not expected to cause any additional shadows on surrounding properties.

Relation of Buildings to the Form of the Streetscape and Neighborhood: This roof deck would be the first one in the immediate area. Due to its proposed location and the building's existing cornice, the deck should not be visible from either the Park Vale or Washington Street streetscape. Neighboring properties at the upper levels may be able to see the deck, or what will likely appear to be a removed portion of roof. Otherwise, the deck would not be visible and is not expected to have an impact on the streetscape.

Open Space: This would add open space to the subject property, however, it would not qualify as usable open space since it is not at least 15 feet in each dimension. There appears to be some common open space on the sides and rear of the building.

Modification of Board of Appeals case #2478: *Modification required.* This Board of Appeals case enabled the fourth-floor to be made into a seventh unit with very minor exterior changes. This case needs to be modified to enable the removal of a portion of the roof and the installation of a deck to serve this seventh unit.

Ms. Curtis said that the Planning Board was not opposed to the installation of a roof deck in the rear corner of this building, however, final details including railing materials still need to be provided. Otherwise, the deck is well hidden since it is located at the rear corner and recessed, and it is not expected to affect the streetscape or surrounding properties. Therefore, the Planning Board recommends approval of the proposal and plans, prepared by ARCO Architecture + Construction, and dated 6/1/09, subject to the following conditions:

- 1) Prior to issuance of a building permit, final details regarding the deck railing materials and location shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
- 2) Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; and 2) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

Michael Shepard, Building Commissioner, delivered the comments from the Building Department. Mr. Shepard said that the project was cited for Design Review since it fronts on Washington Street. He said that the deck appeared well designed, and fit with the existing architecture of the building. He said he was not concerned that there would be additional decks constructed on the building since there is only one unit on this level. He also said that when the original relief was granted for the unit on the fourth level, one of the reasons cited was because there were minimal changes to the exterior of the building. Mr. Shepard opined that since the proposed deck could not be seen, it would not detract from the spirit of the original relief. Mr. Shepard said that the Building Department was supportive of the relief as well as the conditions proposed by the Planning Board.

Board Members Book and Zuroff stated that they would be in support of the requested relief. Chairman Geller commended the petitioner for a clever design of the nearly invisible deck that would provide nice outdoor area while providing minimal impact on the neighborhood.

The Board Members unanimously agreed that the relief sought by the petitioner met the requirements of the Zoning By-Law.

The Board then determined, by unanimous vote, that the requirements necessary for granting the Special Permit relief requested under the affected sections of the Zoning By-Law, being **Section 5.09.2.(a) and (d)** and the conditions necessary to modify **Board of Appeals Decision**,

Case #2478, dated June 25, 1981 have been satisfied. The Board also made the following findings pursuant to Section 9.05 of the Zoning By-Law:

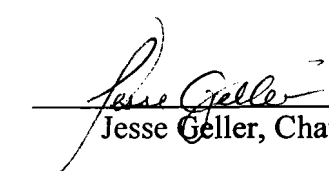
- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Accordingly, the Board voted unanimously to grant the requested relief subject to the following conditions:

- 1) Prior to issuance of a building permit, final details regarding the deck railing materials and location shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
- 2) Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; and 2) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

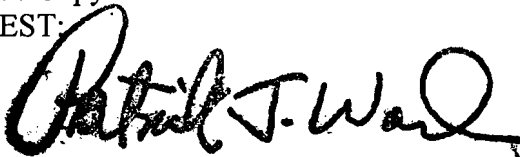
RECEIVED
TOWN OF BROOKLINE
TOWN CLERK

Unanimous Decision of
The Board of Appeals


Jesse Geller, Chairman

Filing Date: December 7, 2009

A True Copy
ATTEST:



Patrick J. Ward
Clerk, Board of Appeals